IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTIETH DAY OF AUGUST TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 371 OF 2025

Writ Appeal under clause 15 of the Letters Patent to allow the by setting aside the order dated 14/10/2024 in WP.No.35784 of 2014 on the file of the High Court.

Between:

The Secretary, Marketing Committee, Huzumagar, Nalgonda District.

....APPELLANT/6th RESPONDENTS IN WRIT PETITION

AND

1. Chikuri Ramachandraiah, S/o Saidaiah, aged about 40 years, Occ. Electrician, R/o Gopalapuram village, Huzurnagar Mandal, Nalgonda District.

....RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep by its Principal Secretary Agriculture, and Marketing Department Secretariat, Hyderabad.
3. The Director, Agriculture Marketing Department BRKR Complex, Tank Bund, Hyderabad
4. The District Collector Nalgonda District, Nalgonda.
5. The Joint Director, Agriculture Marketing Department, Old Market Warangal.
6. The Assistant Director, Agriculture Marketing Department, Nalgonda.

.....RESPONDENTS/RESPONDENTS

(Respondents 3 to 6 are unnecessary Parties in this Writ Appeal)

I.A.NO:3 OF 2025

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

suspend the order dated 14/10/2024 in WP.No.35784 of 2014 passed by the learned single judge of this Hon'ble Court pending disposal of the main writ petition.

Counsel for the Appellants : SRI G.NARAYANA (SC FOR SERVICE MATTERS OF GREATER HYDERABAD MUNICIPAL CORPORATION (GHMC) & AGRICULTURAL MARKET COMMITTEE

Counsel for the Respondent No. 1 : SRI PRABHAKAR BOMMAGANI

The Court made the following JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Appeal No.371 of 2025

JUDGMENT:

Heard Mr. G.Narayana, learned Standing Counsel for service matters of Greater Hyderabad Municipal Corporation (GHMC) & Agricultural Market Committee appearing for the appellant and Mr. Prabhakar Bommagani, learned counsel appearing for respondent No.1 (hereinafter referred as 'the petitioner').

2. Respondent No.6 in Writ Petition No.35784 of 2014, who is the Secretary of Marketing Committee, Huzurnagar, Nalgonda District, is the appellant herein (hereinafter referred as 'respondent No.6').

3. By the impugned order dated 14.10.2024, in W.P.No.35784 of 2014, learned writ court, while refusing to entertain the petitioner's plea for regularization of his

services as Electrician, held that he is entitled to wages applicable under the Minimum Wages Act, 1948, for the period for which he rendered services as Electrician.

4. In the aforesaid writ petition, the petitioner had assailed the action of the respondents, in not allowing him to attend to his duty as Electrician without any notice, and also in not regularizing his services on the ground that he had completed fourteen years of service from the date of his engagement as such. Petitioner had also sought for a direction to the respondents to pay the differential amount of salary under the Minimum Wages Act, from the date of his appointment.

5. Petitioner relied upon resolution dated 13.05.2003, of the Marketing Committee by which his remuneration was enhanced from Rs.1000/- to Rs.1500/- and thereafter, there was no enhancement. According to the petitioner,

as per notification dated 24.11.2011, skilled workmen in the category of electrician were entitled to minimum wages of Rs.350/- per day, which comes to Rs.9,113/- per month and as he discharged his services as Electrician for eight hours per day, he was entitled for minimum wages.

6. The stand of the petitioner was contested by respondent No.6-Marketing Committee.

7. Learned writ court, however, did not grant the relief of regularisation of service by taking note that there was no post of Electrician in respondent No.6-Marketing Committee. Learned writ court has proceeded to observe that remuneration of Rs.1,500/- even as a daily wager is less than the minimum wages as prescribed under the Minimum Wages Act.

8. We have considered the submissions of learned counsel for the parties.

9. At this stage, we may carefully take note of the provisions of the Minimum Wages Act, which prescribe the payment of wages.

10. Section 12 mandates payment of minimum wages, at a rate not less than the minimum rate of wages fixed by the notification under Section 5, for that class of employees engaged in a scheduled employment, without any deductions, except as may be authorized, within such time and subject to such conditions, as may be prescribed.

11. Section 15 prescribes payment of wages to workers, who work for less than normal working day. It stipulates that if an employee has been engaged for a period less than the requisite number of hours constituting a normal

working day, he shall be entitled to receive wages in respect of work done by him on that day, as if he had worked for a full normal working day. However, as per the proviso, the employee shall not be entitled to receive wages for a full normal working day either in case of his failure to work due to unwillingness or such other cases and circumstances as may be prescribed.

12. Section 17 stipulates payment of minimum time rate wages for piece work. It clarifies that where an employee, employed on piece work, for which minimum time rate, and not a minimum piece rate, has been fixed under the Minimum Wages Act, shall be entitled to wages not less than the minimum time rate.

13. As per Section 18, every employer has to maintain registers and records giving such particulars of employees employed by him, the work performed by them, the wages

paid to them, the receipts given by them and such other particulars, and in such form as may be prescribed. The notices in the prescribed form containing the particulars of the employees have to be exhibited in such manner as may be prescribed in the factory or workplace.

14. Section 20 provides for determination of claims made by employees and the same is extracted hereunder:

"Claims.-(1) The appropriate Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages

at the overtime rate under section 14 to employees employed or paid in that area.

(2) Where an employee has any claim of the nature referred to in sub-section (1) the employee himself, or any legal practitioner or any official of a registered trade union authorized in writing to act on his behalf, or any Inspector, or any person acting with the permission of the Authority appointed under subsection (1), may apply to such Authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages or other amount became payable:

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct-

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together

with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered-

(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate, or

(b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898)."

15. An employee is supposed to file an application within six months from the date on which the minimum wages became payable. If such application is filed beyond six months, the employee has to satisfy the authority that he has sufficient cause for not making application within such period.

16. The authority, declared by the appropriate Government by notification in the Official Gazette, shall, after hearing the employee and the employer, or after giving them an opportunity of being heard and after such further inquiry, direct- *firstly*, in case of a claim arising out

of payment of less than the minimum rates of wages, the payment to the employee of the amount, by which the minimum wages payable to him exceed the amount actually paid together with the compensation as the authority may deem fit, not exceeding ten times the amount of such excess; *Secondly* in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees. Accordingly, the authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application. This is apart from any penalty, which the employer is liable to face under the Minimum Wages Act. For vexatious or malicious claims, a penalty can also be imposed against the employee. In order to carry out such function, such authority is conferred with the powers of

the Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and enforcing the attendance of witnesses and compelling the production of documents.

17. Reference to the aforesaid provision is only for the purpose to indicate that claims relating to minimum wages are to be determined as per the procedure and before the forum prescribed under the Minimum Wages Act. For determination of such a claim, the relevant records, which the employer is required to maintain in respect of such employees, are also to be inquired into by the appropriate authority.

18. The learned writ court, however, proceeded to hold that the petitioner is entitled to wages applicable under the Minimum Wages Act for the period he rendered service as Electrician without any determination as to the total

period of his engagement or the quantum of wages, less than the minimum wages, he might have been paid during that period. Apparently, the writ court was precluded from making such determination in the absence of sufficient pleadings and supporting documents placed before it. Respondent No.6 being the employer would be at a loss to calculate the total period for payment of wages as there is no determination at that point. If the petitioner had been paid less than the minimum wages over a period of time, the issue could have been raised before the appropriate forum at the relevant point of time. Writ Petition has remained pending since 2014 till the impugned order was passed on 14.10.2024. Minimum Wages Act being a beneficial legislation, it has to be interpreted in a manner which serves the object and the purpose for which it is enacted for the class of beneficiaries *i.e.*, the workman in question. However,

whether the petitioner was paid minimum wages, and if not, what were the quantum of wages paid, less than the minimum wages prescribed, are issues, which could only be determined by the competent authority notified by the appropriate Government, which, in the instant case, is the State Government.

19. Since disputed questions of fact are involved in the present case, the writ jurisdiction was not the proper remedy to address the grievances of the petitioner. Learned writ court, however, proceeded to entertain the plea of minimum wages without supporting pleadings and documents on record despite availability of an alternative remedy provided by the Statute *i.e.*, the Minimum Wages Act.

20. Therefore, we are inclined to interfere with the impugned order dated 14.10.2024 passed in W.P.No.35784 of 2014.

21. The petitioner is at liberty to approach the authority notified under the Minimum Wages Act, in respect of his claim with due particulars and supporting documents, within a period of four weeks from today.

22. In case the petitioner approaches the competent authority within the above stipulated time, learned authority would consider the application in accordance with law after due notices to the employer and employee, as are contemplated under the Minimum Wages Act. Let such proceedings be concluded in a time bound manner, preferably, within four months from the date of receipt of such application along with a copy of this order.

23. For the aforesaid reasons, the impugned direction of the learned writ court is set aside. However, it would be open for the petitioner to raise all issues, as are permissible under law, before the competent authority.

24. The instant Writ Appeal is, accordingly, disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD-K.SREERAMA MURTHY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Agriculture, and Marketing Department Secretariat, State of Telangana at Hyderabad.
2. The Director, Agriculture Marketing Department BRKR Complex, Tank Bund, Hyderabad.
3. The District Collector Nalgonda District, Nalgonda.
4. The Joint Director, Agriculture Marketing Department, Old Market Warangal.
5. The Assistant Director, Agriculture Marketing Department Nalgonda.
6. One CC to SRI G.NARAYANA (SC FOR SRVCE MATERS OF GHMC AND AGRI MRKT COMTY) Advocate [OPUC]
7. One CC to SRI PRABHAKAR BOMMAGANI, Advocate [OPUC]
8. Two CD Copies

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HIGH COURT

DATED:20/08/2025



JUDGMENT

WA.No.371 of 2025

DISPOSING OF THE WRIT APPEAL

WITHOUT COSTS.

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